

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUANA PEREZ,

Plaintiff,

-against-

STATE OF NEW YORK; MANHATTAN
PORT AUTHORITY; TACO RICO OF NEW
YORK,

Defendants.

19-CV-8252 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

By order dated September 6, 2019, the Court directed Plaintiff, within thirty days, to submit a request to proceed *in forma pauperis* (IFP) application or pay the \$400.00 in fees required to file a civil action in this Court. Because Plaintiff failed to file an IFP application or pay the fees, on October 11, 2019, the Court dismissed the complaint without prejudice. *See* 28 U.S.C. §§ 1914, 1915. On November 14, 2019, Plaintiff submitted a motion for an extension of time to file a notice of appeal, and a motion for leave to proceed IFP on appeal.

The Court liberally construes Plaintiff's motion for leave to proceed IFP on appeal as a request for IFP status in this Court. The Clerk of Court is directed to vacate the Court's October 11, 2019 order and judgment, and reopen this matter for further proceedings. The motion for an extension of time to file a notice of appeal is denied as moot.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Clerk of Court is instructed to vacate the October 11, 2019 order and judgment (ECF Nos. 3, 4), and reopen this action for further proceedings. The motion for an extension of time to file a notice of appeal (ECF No. 5) is denied as moot.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 28, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge